

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CELLULAR COMMUNICATIONS  
EQUIPMENT LLC,**

**Plaintiff,**

**v.**

**HMD GLOBAL OY,**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Case No. 2:20-CV-0078-JRG**

**JURY TRIAL DEMANDED**

**DECLARATION OF JERRY D. TICE II**

I, Jerry D. Tice II, hereby declare as follows:

1. I am an attorney at the law firm of Bragalone Conroy PC in Dallas, Texas. I am counsel of record in this case. I am admitted to practice in the State of Texas and the Eastern District of Texas. I submit this declaration based on personal knowledge and following a reasonable investigation. If called upon as a witness, I could and would competently testify to the truth of each statement herein.

2. CCE has asserted U.S. Patent No. 7,218,923 (the “923 patent”) in eighteen prior district court lawsuits, each in the district court for the Eastern District of Texas. Those lawsuits include:

- *Cellular Communications Equipment LLC v. ZTE Corp., et al.*, Case No. 6:13-cv-00511, filed June 25, 2013;
- *Cellular Communications Equipment LLC v. Pantech Co., Ltd., et al.*, Case No. 6:13-cv-00509, filed June 25, 2013;
- *Cellular Communications Equipment LLC v. LG Electronics, Inc., et al.*, Case No.

6:13-cv-00508, filed June 25, 2013;

- *Cellular Communications Equipment LLC v HTC Corp., et al.*, Case No. 6:13-cv-00507, filed June 25, 2013;
- *Cellular Communications Equipment LLC v. Motorola Mobility LLC, et al.*, Case No. 6:13-cv-00572, filed August 2, 2013;
- *Cellular Communications Equipment LLC v. NEC Casio Mobile Communications, Ltd., et al.*, Case No. 6:13-cv-00584, filed August 7, 2013;
- *Cellular Communications Equipment LLC v. Microsoft Corp.*, Case No. 6:13-cv-00738, filed October 1, 2013;
- *Cellular Communications Equipment LLC v. Samsung Electronics Co., Ltd. et al.*, Case No. 6:14-cv-00759, filed September 15, 2014;
- *Cellular Communications Equipment LLC v. Pantech Co. Ltd*, Case No. 6:15-cv-00853, filed September 14, 2015;
- *Cellular Communications Equipment LLC v. LG Electronics, Inc., et al*, Case No. 6:16-cv-00365, filed April 20, 2016;
- *Cellular Communications Equipment LLC v. Samsung Electronics Co., Ltd., et al.*, Case No. 6:16-cv-00364, filed April 20, 2016;
- *Cellular Communications Equipment LLC v. HTC Corporation, et al.*, Case No. 6:16-cv-00363, filed April 20, 2016;
- *Cellular Communications Equipment LLC v. ZTE Corporation, et al.*, Case No. 6:16-cv-00375, filed April 25, 2016;
- *Cellular Communications Equipment LLC v. AT&T Mobility, LLC, et al.*, Case No. 6:17-cv-00592, filed October 18, 2017;

- *Cellular Communications Equipment LLC v. AT&T Mobility, LLC, et al.*, Case No. 6:17-cv-00590, filed October 18, 2017;
- *Cellular Communications Equipment LLC v. TCL Corp., et al.*, Case No. 2:20-cv-00080, filed March 17, 2020;
- *Cellular Communications Equipment LLC v One Plus Technology Co. Ltd.*, Case No. 2:20-cv-00079, filed March 17, 2020; and
- *Cellular Communications Equipment LLC v HMD Global OY*, Case No. 2:20-cv-00078, filed March 17, 2020.

In these lawsuits, a district court for the Eastern District of Texas has overseen, considered, and ruled upon substantive motions. *See, e.g.*, Case No. 6:16-CV-363, Dkt. No. 61 (Feb. 15, 2018 Order) (hearing re: discovery motion); Case No. 6:16-CV-363, Dkt. No. 150 (hearing re: motion to strike, summary judgment motion, Daubert motion); *infra* paragraph 3 (multiple claim construction orders).

3. Courts in the Eastern District of Texas have issued claim construction orders regarding the '923 patent on five prior occasions.

- Case No. 6:13-cv-507, Dkt. No. 363 (March 9, 2015 Order) (construing terms, including “a diverting unit configured to divert a message of the messages sent from the application program and destined for the communication network” and “based on the message”)
- Case No. 6:13-cv-507, Dkt. No. 413 (June 1, 2015 Order) (construing terms, including “a message of the messages”)
- Case No. 6:13-cv-507, Dkt. No. 454 (August 21, 2015 Order) (adopting constructions of the June 1, 2015 Order)

- Case No. 6:14-cv-759, Dkt. No. 206 (March 29, 2016 Order) (construing terms, including “controlling entity”)
- Case No. 6:16-CV-363, Dkt. No. 83 (April 17, 2018 Order) (construing terms, including “diverting unit” and “controlling entity”)

With two exceptions, Magistrate Judge Mitchell issued these claim construction orders. Judge Davis issued the March 9, 2015 order and Judge Gilstrap issued the August 21, 2015 order.

4. The Asserted Claims in this Action include previously construed terms, including the following:

- “a message of the messages” (claim 1);
- “based on the messages” (claim 1); and
- “controlling entity” (claims 1, 3, 4).

5. Each party to this lawsuit has served and responded to written discovery requests. On August 11, for example, CCE served Requests for Admission and Interrogatories on HMD. On September 29, 2020, CCE served a second set of Requests for Admission on HMD. On September 28, 2020, HMD served Interrogatories on CCE. On November 2, 2020, CCE served a second set of Interrogatories on HMD. A response has been provided for each of these written discovery requests.

6. With the exception of source code, all documents produced in this Action have been provided electronically. With respect to source code, HMD made source code available for inspection on a source code computer at the offices of HMD’s local counsel in Tyler, Texas. CCE has performed code reviews that resulted in printing of portions of source code. The printed documents were provided to CCE’s outside counsel by HMD’s local counsel via courier.

7. CCE’s Initial and Additional Disclosures, served on HMD in this Action, identify

Eric Lucas as “knowledgeable regarding CCE’s corporate matters, including the acquisition, technology, and licensing of the patents-in-suit.”

8. The following paragraphs discuss exhibits to CCE’s response to HMD’s renewed motion to transfer venue. In the exhibits, any highlighting is added by CCE pursuant to L.R. CV-7(b), unless otherwise noted.

9. Exhibit 1 is a true and correct copy of Docket Number 454 in Case No. 6:13-cv-507 in the Eastern District of Texas. Exhibit 1 is an August 21, 2015 Order.

10. Exhibit 2 is a true and correct copy Docket Number 413 in Case No. 6:13-cv-507 in the Eastern District of Texas. Exhibit 2 is a June 1, 2015 Memorandum Opinion and Order.

11. Exhibit 3 is a true and correct excerpt of Plaintiff’s First Supplemental Disclosure of Asserted Claims and Infringement Contentions.

12. Exhibit 4 is a true and correct copy of U.S. Patent No. 7,218,923, produced in this Action.

13. Exhibit 5 is a true and correct copy of Docket Number 363 in Case No. 6:13-cv-507 in the Eastern District of Texas. Exhibit 5 is a March 9, 2015 Memorandum Opinion and Order.

14. Exhibit 6 is a true and correct copy of Docket Number 83 in Case No. 6:16-CV-363 in the Eastern District of Texas. Exhibit 6 is an April 17, 2018 Memorandum Opinion and Order.

15. Exhibit 7 is a true and correct excerpt of the deposition transcript of Maurizio Angelone.

16. Exhibit 8 is a true and correct copy of a document produced by CCE in this Action bearing Bates numbers CCE\_HMD\_000402-404.

17. Exhibit 9 is a true and correct excerpt of the deposition transcript of Rex Fryhover.

18. Exhibit 10 is a true and correct printing of a webpage having an address of <https://investors.att.com/resources/contacts>. The webpage was printed on December 19, 2020.

19. Exhibit 11 is a true and correct copy of a document produced by HMD America, Inc. in this Action bearing Bates numbers HMD\_America\_003-004.

20. Exhibit 12 is a true and correct copy of a document produced by HMD America, Inc. in this Action bearing Bates numbers HMD\_America\_165-176.

21. Exhibit 13 is a true and correct copy of a document produced by HMD America, Inc. in this Action bearing Bates numbers HMD\_America\_152-164.

22. Exhibit 14 is a true and correct copy of a document produced by CCE in this Action bearing Bates numbers CCE\_HMD\_657-659.

23. Exhibit 15 is a true and correct copy of document produced by HMD America, Inc. in this Action bearing Bates numbers HMD\_America\_602-612

24. Exhibit 16 is a true and correct printing of a webpage have an address of <https://www.linkedin.com/in/marvin-key-1255395>. The webpage was printed December 23, 2020.

25. Exhibit 17 is a true and correct excerpt of the deposition transcript of Cristina Hoyos.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 28, 2020

/s/ Jerry D. Tice II  
Jerry D. Tice II